

This is an Amendment of the Response to the Office Action mailed November 13, 2006. Please amend the application as follows:

In the Claims:

Claim 13 (currently amended): The method of Claim 11 further comprising performing all operations under the regulations governed by the Clinical Laboratory Improvements Act of 1988 (CLIA), in effect as of April 8, 2004.

### **REMARKS**

Reconsideration of this application is requested.

Claim 12 was rejected under 35 U.S.C. second paragraph, as unclear to the Examiner what the regulations governed by the Clinical Laboratory Improvements Act of 1988 are and that the regulations were subject to change. The Clinical Laboratory Improvements Act of 1988 is located at 42 C.F.R. 493 and the federal law states that any laboratory facility that performs laboratory testing of human specimens for the purpose of providing information for the diagnosis, prevention and treatment of disease or impairment of, or the assessment of the health of human beings is required to comply with CLIA. The Amendment makes it clear that the applicable regulations are those at the time the application was filed and therefore overcomes the rejection on the basis that the regulations are subject to change.

The Examiner states that the application currently names joint inventors. There is only one inventor, V. Raman Sukumar. The misunderstanding may have arisen out of the Applicant possibly including more than one Declaration and Power of Attorney in his application. In any event there is only one inventor and thus there are no obligations under 37 C.F.R. 1.56 to point out the inventor and invention dates of each claim that was not commonly owned.

Claims 1 – 16 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Peters in view of Marek.

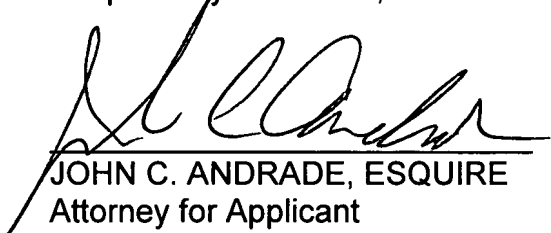
Peters is simply an apparatus for quick freezing tissue specimens. If one were to take the apparatus of Peters and place it in the van of Marek, one would not have the present invention. The concept of providing pathology services on a mobile basis is unique. It is also counter-intuitive. The provision of pathology services in the past have been successful because of the link to hospitals and have not been mobile. While Peters is an improved device for freezing tissue specimens, Peters only envisions doing it in a building and discloses no reason to look to make the operation mobile. Without the impetus to look to Marek or look to making the operation mobile, there would be no reason to combine Peters and Marek. Marek adds nothing, because it is simply the providing of a mobile ambulatory surgery center and has requirements different from those of the present invention.

The Examiner further states that Marek teaches performing all operations within a mobile laboratory having air conditioning and a separate power source for air

conditioning within the laboratory. The Examiner references column five, lines 1 – 60 for this proposition. Applicant is unable to locate what Examiner is referring to. On column five, line 33 it does state “139 Ventilation and air conditioning system”. But that is the only reference that Applicant could find. Applicant did note in the specification that an earlier design of the present invention had included the air conditioner running off of the van’s diesel engine, which did not work because the vibration was so great that the slides could not be read. This was solved by installing a separate air conditioning and heating unit that cooled and heated the lab without running the engine and thus without causing vibration. Applicant is unable to find any evidence of this in either Marek or Peters.

Applicant requests a meeting with the Examiner to explain the differences between the present invention and the state of the art when the present invention was made. It is felt that this is best presented in a personal meeting with the Examiner where applicant can fully explain the operation and how it was not obvious at the time of the invention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Andrade", is written over a horizontal line.

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April 13, 2007